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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,678	07/02/2001	Erik Christian Schijlander	PHN17,745	8536
24737	7590	11/21/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/869,678

Applicant(s)

SCHIJLANDER, ERIK CHRISTIAN

Examiner

HELEN SHIBRU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### *Specification*

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. Claims 8 and 9 are objected to because of the following informalities: The 'comma' at the end of these claims should be replaced with a 'period'. Appropriate correction is required.

***Drawings***

3. Figures 2-5 are objected to under 37 CFR 1.83(a) because the proper labels or legend corresponding to all blocks must be provided as. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1-4 are rejected under 35 U.S.C. 101 because these claims do not define any structural and functional interrelationship between the data structure and other claimed aspects of the invention which permits the data structure's functionality to be realized.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Richards (EP-0542377A2).

Regarding claim 1, Richards discloses Record carrier (see fig. 1 RC) comprising information organized in a plurality of files containing audio visual data (see col. 8 lines 21-36, image and sound items) and playback control data for controlling playback of the audiovisual data on a playback device while enabling user interaction (see col. 8 lines 28-36, 42-50, and col. 11 lines 25-37 and MCU in fig. 1), the information further comprising priority information (priority) (see col. 11 line 33-col. 12 line 8, SEQ1-SEQ5), indicating the relative priority with which the files are to be stored in a cache memory of the playback device (see col. 8 lines 36-42 and col. 9 lines 27-41).

Regarding claim 2, Richards discloses the priority information (priority) is contained in a single file (FRT) (see col. 8 lines 28-36).

Regarding claim 3, the priority information (priority) is related to an estimated frequency with which the said data is accessed (see col. 11 lines 14-24).

Regarding claim 4, Richards discloses the control data is comprised in a control program (PCP) which comprises references to menus (col. 9 lines 27-41 and col. 11 lines 25-30), and that the data representing the control program and the menus has a relatively high priority (see col. 8 lines 16-26).

Regarding claim 5, Richards discloses playback device (see fig. 1) for playback of a record carrier comprising information organized in a plurality of files containing audiovisual data and playback control data for controlling playback of the audiovisual data while enabling user interaction (see col. 8 lines 28-36, 42-50, and col. 11 lines 33-37), the playback device comprising read means for reading the data from a record carrier (see col. 11 lines 25-40), a cache memory for storing data from the record carrier (see col. 7 lines 7-9 and col. 12 line 38-col. 13 line 1), user input means for receiving user input (see fig. 1 USR and col. 7 lines 10-13), control means for processing the control data (see col. 7 lines 4-13, 31-41), and reproduction means for reproducing the audio visual data (see col. 6 line 43-col. 7 line 3), the device being adapted to read priority information (priority) and to store files into the cache memory with a priority determined by this priority information (see col. 8 lines 28-50, and col. 12 lines 38-56).

Regarding claim 6, Richards discloses rewriting the priority information at the record carrier in accordance with the frequency with which the files are actually accessed by a user (see col. 13 lines 2-14).

Regarding claims 10 and 11, the claim limitations of claims 10 and 11 can be found in claims 1 and 5 above. Therefore claims 10 and 11 are analyzed and rejected as discussed in claims 1 and 5.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshinari (US Pat. No. 5,416,693).

Regarding claim 1, Yoshinari discloses record carrier comprising information organized in a plurality of files containing audio visual data and playback control data for controlling playback of the audiovisual data on a playback device while enabling user interaction (see col. 2 line 60-col. 3 line 24), the information further comprising priority information (priority), indicating the relative priority with which the files are to be stored in a cache memory of the playback device (see col. 3 lines 28-40, col. 8 lines 35-45, and fig. 9 and 10).

Regarding claim 2, Yoshinari discloses record carrier according to claim 1, characterized in that the priority information (priority) is contained in a single file (see fig. 6, 9 and 10, and col. 7 line 62-col. 8 line 9).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Agnibotri (US Pat. No. 6,920,281).

Regarding claim 7, Agnibotri discloses method for playback of a record carrier comprising information organized in a plurality of files containing audiovisual data and playback control data for controlling playback of the audiovisual data while enabling user interaction (see col. 4 lines 9-19, 40-42, col. 8 line 61-col. 9 line 2 and 6-19), which method comprises the steps of

- a. determining whether a cache memory does have sufficient unoccupied space (see col. 6 line 59-col. 7 line 3),
  - aa. if it is determined that the cache memory does not have sufficient unoccupied space, then determining whether the cache memory does have space sufficiently large which is occupied by one or more further data files having a priority value lower than the priority value of the first data file (see col. 7 lines 4-26).
    - aaa. if the outcome of step aa is true, then overwriting said one or more further data files by the first data file (see col. 2 line 2-col. 3 line 3, col. 7 lines 6-34, and col. 8 lines 32-43).

Regarding claim 8, Agnibotri discloses if the outcome of step a is true then

- ab determining whether the first data file has a priority value higher than a predetermined value (see col. 7 lines 6-15 and 27-33),
  - aba if the outcome of step ab is true then loading the first data unit from the record carrier into the cache memory (see col. 8 lines 32-43 and col. 9 lines 7-19).

Regarding claim 9, Agnibotri discloses method for playback of a record carrier comprising information organized in a plurality of files containing audiovisual data and playback control data for controlling playback of the audiovisual data while enabling user interaction (see



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col. 4 lines 9-19, 40-42, col. 8 line 61-col. 9 line 2 and 6-19), which method comprises a procedure for loading files in a cache memory (see col. 4 lines 6-19 and col. 5 lines 24-48) comprising the steps of

- d setting a reference priority value (see col. 7 line 27-col. 8 line 31)
- e for a plurality of files examining whether a priority value assigned thereto is higher than the reference priority value (see col. 7 lines 27-65)
- ea if the outcome of step e is true examining whether the cache memory comprises sufficient space for storing the said data unit (see col. 6 line 59-col. 7 line 3).
- eea if the outcome of step ea is true then loading said data unit into said space (col. 1 line 2-col. 2 line 3, col. 7 lines 6-34, and col. 8 lines 32-43),
- f reducing the reference priority value (col. 7 lines 16-65),
- g determining whether the reference priority value is greater than or equal to a bottom priority value (see col. 7 line 35-col. 8 line 43),
- ga repeating steps d to g if the outcome of step g is true (see claim rejections d to g above in claim 9).

### ***Conclusion***

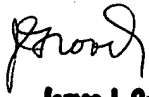
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES J. GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibu  
October 19, 2005

  
**James J. Groody**  
Supervisory Patent Examiner  
Art Unit 262-2616